

Notice of Allowability

Application No.

10/743,253

Examiner

Jennifer Doan

Applicant(s)

CARR ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 18, 2006.
2. ☒ The allowed claim(s) is/are 1,3-13,15-25,27-29 and 31-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Jennifer Doan
JENNIFER DOAN
PRIMARY EXAMINER

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Response to Amendment

1. Applicant's amendment filed on May 18, 2006 has been fully considered and entered.

Reasons for Allowance

2. Claims 1, 3-13, 15-25, 27-29 and 31-40 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or reasonably suggest a method and a device comprising an optical waveguide having a first grating, wherein at least a portion of waveguide has a functional layer adapted to bind an analyte; a plurality of grooves in the optical waveguide from the first grating; at least some of the grooves are covered by the functional layer; further a device comprising a MZI having two arms, wherein one arm has an optical resonator which has a functional layer adapted to bind an analyte and further wherein one arm of the MZI includes the optical waveguide having the first and second gratings form an optical resonator in combination with the other limitations of claims 1, 12, 22, 24, 25, 29, 32 and 35.

Claims 3-11 depend from claim 1.

Claims 13, 15-21 depend from claim 12.

Claims 23 and 38 depend from claim 22.

Claims 27 and 28 depend from claim 25.

Claim 31 depends from claim 29.

Claims 33 and 34 depend from claim 32.

Claims 36 and 37 depend from claim 35.

The prior art of record also fails to disclose or reasonably suggest a method and a device comprising an optical waveguide having a first grating, wherein at least a portion of waveguide has a functional layer adapted to bind an analyte; the device further comprises one or more other optical waveguides, each having a grating, wherein at least two optical waveguides have different functional layer adapted to bind different analytes in combination with the other limitations of claims 39 and 40.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JD

June 1, 2006


JENNIFER DOAN
PRIMARY EXAMINER